



Secretary of State

Jason M. Gant

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January 22, 2013

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

RE: Submission under Section 5, Voting Rights Act, State of South Dakota

Dear Voting Section Chief:

I am submitting to you the election related South Dakota Administrative Rule changes that took place at the Board of Elections meeting held on November 15, 2012 and the Secretary of State Rules Hearing on December 4, 2012.

1. ARSD 5:02:05:02.01

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding the instructions to be posted in two locations in the polling place in at least 48 point type for optical scan ballots, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change amends the current Administrative Rule (ARSD) 5:02:05:02.01, to revise the instructions to the voters using optical scan ballots.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:05:02.01 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to revise the instructions to the voters using optical scan ballots because House Bill 1247 of the 2012 South Dakota Legislative Session revised certain provisions regarding the voting rights of persons convicted of a felony or serving time in a state penitentiary.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

2. ARSD 5:02:05:02

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding the instructions to be posted in two locations in the polling place in at least 48 point type for paper ballots, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change amends the current Administrative Rule (ARSD) 5:02:05:02, to revise the instructions to the voters using hand-counted paper ballots.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:05:02 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to revise the instructions to the voters using optical scan ballots because House Bill 1247 of the 2012 South Dakota Legislative Session revised certain provisions regarding the voting rights of persons convicted of a felony or serving time in a state penitentiary.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

3. ARSD 5:02:03:24

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding the notice to removed felons, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change amends the current Administrative Rule (ARSD) 5:02:03:24, to revise the notice to removed felons.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:03:24 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to revise the instructions to the voters using optical scan ballots because House Bill 1247 of the 2012 South Dakota Legislative Session revised certain provisions regarding the voting rights of persons convicted of a felony or serving time in a state penitentiary.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

4. ARSD 5:02:03:13

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding voter registration instructions, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change amends the current Administrative Rule (ARSD) 5:02:03:13, to revise voter registration instructions.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:03:13 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes.

Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to revise the instructions to the voters using optical scan ballots because House Bill 1247 of the 2012 South Dakota Legislative Session revised certain provisions regarding the voting rights of persons convicted of a felony or serving time in a state penitentiary.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

5. ARSD 5:02:22:01

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding the submission of a vote center plan, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change inserts a new chapter and section in 5:02 of Administrative Rule (ARSD), submission of vote center plan.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:22:01 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to insert this new section because Senate Bill 58 of the 2012 South Dakota Legislative Session required the Board of Elections to promulgate a plan for a jurisdiction wanting to use vote centers.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

6. ARSD 5:02:22:02

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding the ballot form for vote centers, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change inserts a new chapter and section in 5:02 of Administrative Rule (ARSD), ballot form for vote centers.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:22:02 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to insert this new section because Senate Bill 58 of the 2012 South Dakota Legislative Session required the Board of Elections to promulgate the form of the ballot to be used by a jurisdiction using vote centers.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

7. ARSD 5:02:22:03

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding denied applications as contested cases for a jurisdiction wishing to use vote centers, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change inserts a new chapter and section in 5:02 of Administrative Rule (ARSD), denied applications as contested cases.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500

East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:22:03 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to insert this new section because Senate Bill 58 of the 2012 South Dakota Legislative Session allowed any jurisdiction within South Dakota to use vote centers at their election as long as they submitted a vote center plan to the Secretary of State's office. The Board of Elections felt it was necessary to allow a jurisdiction to reapply or requested a contested case of their original voter center plan was rejected by the Secretary of State's office.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

8. ARSD 5:02:06:24

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding an alternate optical scan ballot, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change inserts a new section in 5:02:06 in Administrative Rule (ARSD), alternate optical scan ballot.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:06:24 was the South Dakota Board of Elections. The changes that form the basis of this submission were

accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to insert this new section because the ballot form that was created for jurisdictions using vote centers has a distinct marking at the top right-hand corner of the ballot displaying the name of the ballot. This marking helps the ballot clerk select the correct ballot to give to the voter on election day. This administrative rule change allows a jurisdiction that is not using vote centers at their election the opportunity to use the same ballot form that a jurisdiction using vote centers would.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

9. ARSD 5:02:03:01

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding the voter registration form, which was approved by the South Dakota Board of Elections on November 15, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change amends the current Administrative Rule (ARSD) 5:02:03:01, voter registration form.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:03:01 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 15, 2012 and voted in favor of the measure on November 15, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to revise the instructions to the voters using optical scan ballots because House Bill 1247 of the 2012 South Dakota Legislative Session revised certain provisions regarding the voting rights of persons convicted of a felony or serving time in a state penitentiary.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

10. ARSD 5:04:06:01, 5:04:06:02, 5:04:06:03

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the repealing of administrative rules 5:04:06:01, 5:04:06:02 and 5:04:06:03 regarding the statewide voter registration file, which was approved by the South Dakota Secretary of State on December 4, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Secretary of State and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change repeals the current Administrative Rules (ARSD) 5:04:06:01, 5:04:06:02 and 5:04:06:03 regarding the statewide voter registration file.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the repeal of ARSD 5:04:06:01, 5:04:06:02 and 5:04:06:03 was the South Dakota Secretary of State. The changes that form the basis of this submission were accomplished by a public hearing held on December 4, 2012 in which the Secretary of State deemed these administrative rules to longer be valid.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-4-39 states that the Secretary of State may promulgate rules pursuant to chapter 1-26 concerning: 1. Procedures for the establishing the statewide voter registration file; 2. Transmission of the voter registration information from the county to the Office of the Secretary of State; 3. Procedures for determining duplicate voter registration; 4. Dissemination of the information from the statewide voter registration file; and 5. Establishment of fees for information provided from the statewide voter registration file. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed

changes. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the Secretary of State. The changes took effect on January 16, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The rules that were repealed relate to the statewide voter registration file that is no longer in use. The Secretary of State's office recently implemented a new statewide voter registration system called TotalVote. This system no longer needs the counties to transport their county voter registration file to the state, because all 66 counties in South Dakota are using one statewide voter registration file.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

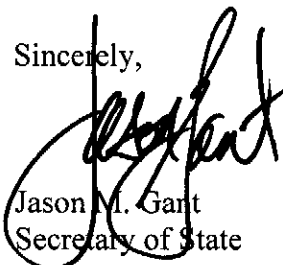
The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

Thank you for your consideration of this preclearance submission. If you have any questions or need any additional information, please contact Brandon Johnson, Senior Elections Coordinator at (605)773-5003.

Sincerely,



Jason M. Gant
Secretary of State

Enclosures: ARSD 5:02:05:02.01
ARSD 5:02:05:02
ARSD 5:02:03:24
ARSD 5:02:03:13
ARSD 5:02:22:01
ARSD 5:02:22:02
ARSD 5:02:22:03
ARSD 5:02:06:24
ARSD 5:02:03:01
HB 1247 of the 2012 South Dakota Legislative Session
SB 58 of the 2012 South Dakota Legislative Session
State Board of Elections meeting minutes
ARSD 5:04:06:01
ARSD 5:04:06:02
ARSD 5:04:06:03

5:02:05:02.01. Instructions to the voters using optical scan ballots. The instructions to be posted in two locations in the polling place in at least 48 point type for optical scan ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS:

TO MARK THE BALLOT

Fill in the oval (Ž) next to the name or ballot question. Use only the pencil or marker given to you!

Do not make any marks other than filling the oval.

Do not erase anything on your ballot.

Do not rip your ballot or make holes in it.

Do not write in a name.

IF YOU MAKE A MISTAKE

If you make a mistake give the ballot back and get a new one.

If you cast more votes than allowed in a race, give the ballot back and get a new one.

TO RETURN THE BALLOT AFTER VOTING

Put the ballot in the holder so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

PROVISIONAL BALLOT

You may vote a provisional ballot if your name is not on the voter list but you registered in this precinct by the deadline. You must complete both the envelope and ballot.

VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person they choose to help them vote.

Any voter may ask for instruction in the proper procedure for voting.

Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

ELECTION CRIMES

Anyone who makes a false statement when they vote, tries to vote knowing they are not a qualified voter, or tries to vote more than once has committed an election crime.

OTHER INFORMATION

The polls are open from 7:00 a.m. to 7:00 p.m. If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your state's attorney.

The instructions to be posted in each voting booth for optical scan ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS:

TO MARK THE BALLOT

Fill in the oval (Z) next to the name or ballot question. Use only the pencil or marker given to you!

Do not make any marks other than filling the oval.

Do not erase anything on your ballot.

Do not rip your ballot or make holes in it.

Do not write in a name.

IF YOU MAKE A MISTAKE

If you make a mistake, give the ballot back and get a new one.

If you cast more votes than allowed in a race, give the ballot back and get a new one.

TO RETURN THE BALLOT AFTER VOTING

Put the ballot in the holder so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

The instructions to be published with the facsimile ballot for primary and general elections must be in the following form:

INSTRUCTIONS TO THE VOTERS

VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person ~~they choose~~ he or she chooses to help ~~them~~ the voter vote.

Any voter may ask for instruction in the proper procedure for voting.

Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your state's attorney.

Any person who is convicted of a felony on or after July 1, 2012, loses the right to vote. However, any such person may register to vote following the completion of the person's felony sentence.

~~A felon~~ Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. ~~Felons~~ Any such person so sentenced may register to vote following completion of their the person's sentence. Further information is available at www.sdsos.gov.

ELECTION CRIMES

Anyone who makes a false statement when ~~they vote~~ voting, tries to vote knowing ~~they are~~ he or she is not a qualified voter, or tries to vote more than once has committed an election crime.

Source: 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 209, effective June 30, 2010.

General Authority: SDCL 12-1-9(3), 12-1-9(9).

Law Implemented: SDCL 12-4-18, 12-16-23, 12-16-25, 23A-27-35, USC 1973gg-6(g).

5:02:05:02. Instructions to the voters using hand-counted paper ballots. The instructions to be posted in two locations in the polling place in at least 48 point type for paper ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS

TO MARK THE BALLOT

Use a cross (X) or a check mark (T) for each vote.

Do not make any marks other than a cross (X) or check mark (T).

Do not erase anything on your ballot.

Do not rip your ballot or make holes in it.

Do not write in a name.

IF YOU MAKE A MISTAKE

If you make a mistake, give the ballot back and get a new one.

If you cast more votes than allowed in a race, give the ballot back and get a new one.

TO RETURN THE BALLOT(S) AFTER VOTING

Fold each ballot so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

PROVISIONAL BALLOT

You may vote a provisional ballot if your name is not on the voter list but you registered in this precinct by the deadline. You must complete both the envelope and ballot.

VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person they choose to help them vote.

Any voter may ask for instruction in the proper procedure for voting.

Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

ELECTION CRIMES

Anyone who makes a false statement when they vote, tries to vote knowing they are not a qualified voter, or tries to vote more than once has committed an election crime.

OTHER INFORMATION

The polls are open from 7:00 a.m. to 7:00 p.m. If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your state's attorney.

The instructions to be posted in each voting booth for paper ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS

TO MARK THE BALLOT

Use a cross (X) or a check mark (T) for each vote.

Do not make any marks other than a cross (X) or check mark (T).

Do not erase anything on your ballot.

Do not rip your ballot or make holes in it.

Do not write in a name.

IF YOU MAKE A MISTAKE

If you make a mistake, give the ballot back and get a new one.

If you cast more votes than allowed in a race, give the ballot back and get a new one.

TO RETURN THE BALLOT(S) AFTER VOTING

Fold each ballot so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

The instructions to be published with the facsimile ballot for primary and general elections must be in the following form:

INSTRUCTIONS TO THE VOTERS

VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person ~~they choose~~ he or she chooses to help ~~them~~ the voter vote.

Any voter may ask for instruction in the proper procedure for voting.

Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your state's attorney at _____.

Any person who is convicted of a felony on or after July 1, 2012, loses the right to vote. However, any such person may register to vote following the completion of the person's felony sentence.

~~A felon~~ Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. ~~Felons~~ Any such person so sentenced may register to vote following completion of their the person's sentence.
Further information is available at www.sdsos.gov.

ELECTION CRIMES

Anyone who makes a false statement when ~~they vote~~ voting, tries to vote knowing ~~they are~~ he or she is not a qualified voter, or tries to vote more than once has committed an election crime.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 82, effective June 13, 1976; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 12 SDR 43, effective September 23, 1985; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 32 SDR 225, effective July 3, 2006; 36 SDR 209, effective June 30, 2010.

General Authority: SDCL 12-1-9(3), 12-1-9(9).

Law Implemented: SDCL 12-4-18, 12-16-23, 12-16-25, 23A-27-35, USC 1973gg-6(g).

5:02:03:24. Notice to removed felons. Any person who is removed from the voter registration list due to a ~~disqualifying state~~ felony conviction shall be notified by the county auditor. The notice shall be sent by forwardable mail in the following form:

State Felony Conviction Notice Received

Voter Registration Cancellation Notice

This office has been notified ~~by the Unified Judicial System~~ that you have been convicted of a ~~state~~ felony.

Under South Dakota law § 12-4-18, a person convicted of a felony ~~in state court who is sentenced to imprisonment in the adult penitentiary system~~ loses the right to vote, ~~even if the execution of that sentence is suspended pursuant to SDCL 23A-27-35 and 12-4-18.~~

You will be eligible to register to vote upon completion of your entire sentence. ~~A person sentenced only to probation or to pay a fine or restitution does not lose the right to vote.~~

Further information is available at www.sdsos.gov.

If you have any questions or believe this to be an error, please contact this office at _____ (phone number).

~~Any person who is removed from the voter registration list due to a disqualifying federal felony conviction shall be notified by the county auditor. The notice shall be sent by forwardable mail in the following form:~~

Federal Felony Conviction Voter Registration Cancellation Notice

~~This office has been notified by the United States Department of Justice that you have been convicted of a federal felony.~~

~~Under South Dakota law, a person convicted of a felony in federal court loses the right to vote if sentenced to a term of imprisonment in the adult penitentiary system pursuant to SDCL 12-4-18. You will be eligible to register to vote upon completion of your term of imprisonment including supervised release. A person sentenced only to probation or to pay a fine or restitution does not lose the right to vote.~~

~~Further information is available at www.sdsos.gov.~~

~~If you have any questions or believe this to be an error, please contact this office at _____ phone number).~~

Source: 36 SDR 209, effective June 30, 2010.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-4-18, ~~23A-27-35~~, USC 1973gg-6(g).

5:02:03:13. Voter registration instructions. The instructions attached to each voter registration form other than those used in the county auditor's office, the alternative form provided in § 5:02:03:01, or those used by agencies listed in § 5:02:03:12 must be in the following form:

South Dakota Voter Registration Form

Please follow these instructions carefully to ensure that your voter registration is properly completed.

You can use this form to:

- * Register to vote in South Dakota
- * Change your registration name or address
- * Change your party affiliation

To register to vote in South Dakota, you must:

- * Be a United States citizen
- * Reside in South Dakota
- * Be at least 18 years old on or before the next election
- * Not be currently serving a sentence for a felony conviction ~~which included imprisonment, served or suspended, in an adult penitentiary system~~
- * Not be judged mentally incompetent by a court of law

To register, please complete the entire registration ~~card~~ form by printing the requested information. If you are currently registered to vote, please also fill out the attached cancellation ~~card~~ form. Return the registration/cancellation ~~card~~ form to the county auditor in your county of residence. Any private person or entity registering voters is required to provide you with their contact information. (bold) **The deadline for registration is 15 days before any election. Your ~~card~~ form must be received by the auditor by this deadline if you are to vote in the next election.** (unbold)

Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor.

Source: 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 29 SDR 177, effective July 2, 2003; 31 SDR 214, effective July 4, 2005.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-2, 12-4-3.

ARTICLE 5:02

STATE BOARD OF ELECTIONS

Chapter

5:02:01	General rules affecting board.
5:02:02	Declaratory rulings.
5:02:03	Forms for registration.
5:02:04	Forms of notices.
5:02:05	Forms for conduct of elections.
5:02:06	Ballot forms and color.
5:02:07	Miscellaneous forms.
5:02:08	Petitions.
5:02:09	Automatic tabulating equipment.
5:02:10	Absentee voting.
5:02:11	Voting Rights Act.
5:02:12	Interpretive rules.
5:02:13	Reserved.
5:02:14	Absentee ballot precincts.
5:02:15	Certificates of election, nomination.
5:02:16	Counting and canvassing of ballots.
5:02:17	Pollbooks and tally sheets.
5:02:18	Circuit court elections, Repealed.
5:02:19	Recounts.
5:02:20	Presidential preference primary, Repealed.
5:02:21	Revocation of voter registrar authorization, Repealed.
<u>5:02:22</u>	<u>Vote Centers</u>

CHAPTER 5:02:22

Vote Centers

Section

5:02:22:01 Submission of vote center plan.

5:02:22:02 Ballot form for vote centers.

5:02:22:03 Denied applications as contested cases.

5:02:22:01. Submission of vote center plan. Any jurisdiction conducting an election using vote centers will submit a plan to the secretary of state for approval addressing the following areas:

1. Location of vote centers;
2. Operation and physical layout of each vote center;
3. Internet / intranet connectivity;
4. Election day technology support;
5. Ballot distribution;
6. Ballot style;
7. Monitoring of ballot usage;
8. Contingency plan;
9. Absentee voting plan;
10. Voter education;
11. Pollworker training;
12. Funding options and cost savings;
13. Previous election information;
14. Resolution of the jurisdiction's governing body; and
15. Other election and voting procedures adopted by the jurisdiction.

Source:

General Authority: 12-14-17(6), 12-1-9(4)

Law Implemented: 12-14-17(6), 12-1-9(4)

5:02:22:02. Ballot form for vote centers. The form of the ballot used in conjunction with vote centers shall comply with chapter 5:02:06 except that the ballot shall designate the ballot style. The designation shall be made in the top right corner on the front of the ballot.

OFFICIAL PARTY PRIMARY ELECTION BALLOT		(Ballot Stamp)
June County, South Dakota	County, South Dakota	Ballot Style
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06-01:02	For Governor You may vote for <u>gng</u> or leave it blank.	For State Attorney You may vote for <u>gng</u> or leave it blank.
For Presidential Delegates and Alternates You may vote for <u>gng</u> slate or leave it blank.	You may vote for <u>gng</u> or leave it blank.	You may vote for <u>gng</u> or leave it blank.
<input type="radio"/> Candidates preferring John Hall for President Delegates: John Doe Jane Doe Pat Jones Alternates: John Doe Jane Doe Pat Jones <input type="radio"/> Candidates preferring	<input type="radio"/> John Dee <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones For State Senator, District ____ You may vote for <u>gng</u> or leave it blank. <input type="radio"/> John Dee <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones	<input type="radio"/> John Dee <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones For Sheriff You may vote for <u>gng</u> or leave it blank. <input type="radio"/> John Dee <input type="radio"/> Jane Smith
OFFICIAL GENERAL ELECTION BALLOT		(Ballot Stamp)
November County, South Dakota	County, South Dakota	Ballot Style
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06-01:02	For Secretary of State You may vote for <u>gng</u> or leave it blank.	For State Senator, District ____ You may vote for <u>gng</u> or leave it blank.
For Presidential Electors You may vote for <u>gng</u> slate or leave it blank.	You may vote for <u>gng</u> or leave it blank.	You may vote for <u>gng</u> or leave it blank.
<input type="radio"/> Doe & Roe Electors Party Label John Hall Jane Smith Pat Jones <input type="radio"/> Lee & Jones Electors Party Label	<input type="radio"/> John Dee Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	<input type="radio"/> John Dee Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent

General Authority: 12-14-17(4), 12-1-9(2)

Law Implemented: 12-14-17(4), 12-1-9(2)

5:02:22:03. Denied applications as contested cases. If a jurisdiction's plan for the use of vote centers is denied by the secretary of state, the applicant may reapply or request a contested case hearing pursuant to SDCL chapter 1-26.

Source:

General Authority: 12-14-17(6), 12-1-9(4)

Law Implemented: 12-14-17(6), 12-1-9(4)

CHAPTER 5:02:06
BALLOT FORMS AND COLOR

Section

5:02:06:01	General election.
5:02:06:01.01	Constitutional amendments.
5:02:06:01.02	Optical scan ballot instructions.
5:02:06:01.03	Optical scan ballot political party notation.
5:02:06:02 to 5:02:06:02.03	Repealed.
5:02:06:03	Judiciary.
5:02:06:03.01	Repealed.
5:02:06:03.02	Deadline for request to be on retention ballot.
5:02:06:04	Repealed.
5:02:06:04.01	Initiated measures and referred laws.
5:02:06:05 to 5:02:06:06.01	Repealed.
5:02:06:07 and 5:02:06:07.01	Transferred.
5:02:06:08	Sample ballots.
5:02:06:09	Party precinct committeeman and committeewoman.
5:02:06:10	Primary.
5:02:06:10.01 to 5:02:06:11	Repealed.
5:02:06:12	Municipal election.
5:02:06:13	Municipal questions election.
5:02:06:14	Municipal bond election.

5:02:06:15	School board election.
5:02:06:16	Ballot for increasing or decreasing number of school board members.
5:02:06:17	Ballot for statewide secondary election.
5:02:06:18	Colors of ballots for combined elections.
5:02:06:19	Nonpolitical consumers power district election.
5:02:06:20	Tax levy opt-out ballot.
5:02:06:21	Special district formation ballot.
5:02:06:22	School district reorganization ballot.
5:02:06:23	Sanitary district election ballot.
<u>5:02:06:24</u>	<u>Alternate Optical Scan Ballot.</u>

5:02:06:24. Alternate Optical Scan Ballot. The person in charge of the election, when utilizing an optical scan ballot may designate the ballot style on the ballot.

OFFICIAL PARTY PRIMARY ELECTION BALLOT		(Ballot Stamp)
June County, South Dakota INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 For Presidential Delegates and Alternates You may vote for <u>one</u> slate or leave it blank.		Ballot Style
<input type="radio"/> Candidates preferring John Hall for President Delegates: John Doe Jane Doe Pat Jones Alternates: John Doe Jane Doe Pat Jones <input type="radio"/> Candidates preferring	For Governor You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones For State Senator, District ____ You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones	
		For States Attorney You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones For Sheriff You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe <input type="radio"/> Jane Smith

OFFICIAL GENERAL ELECTION BALLOT		(Ballot Stamp)
November County, South Dakota INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02		Ballot Style
For Presidential Electors You may vote for <u>one</u> slate or leave it blank. <input type="radio"/> Doe & Roe Electors Party Label John Hall Jane Smith Pat Jones <input type="radio"/> Lee & Jones Electors Party Label	For Secretary of State You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	
		For State Senator, District ____ You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent

General Authority: SDCL 12-1-9(2).

Law Implemented: SDCL 12-6-2.1, 12-16-9, 12-16-10, 12-16-14.

5:02:03:01. Voter registration form. The voter registration form shall be legibly printed. ~~It is recommended that the form be printed on 90-pound index stock 5 inches wide by 10.5 inches tall and horizontally perforated 7 inches from the top and scored for folding 3.5 inches from the top. The voter registration form shall contain the following information:~~

~~South Dakota Voter Registration~~

~~Are you a citizen of the United States of America? Yes No~~

~~Will you be 18 years of age on or before election day? Yes No~~

~~If you checked 'no' in response to either of these questions, do not complete this form.~~

VOTER REGISTRATION for _____ County, SD

Name _____

_____ (Last) _____ (First) _____ (Middle)

Residence Address _____

City _____ State _____ Zip _____

Mailing Address (if different) _____

City _____ State _____ Zip _____

~~If residence address is a post office box, rural box, or general delivery, you must give the location _____ of _____ your _____ residence:~~

Print _____ previous _____ name, _____ if _____ changed:

South Dakota driver license number required: _____

(if you do not have a valid South Dakota driver license, you must give the last four numbers of your social security number): _____

Please register me as a member of the _____ Party.

Birth Date Required: _____ Phone Number: _____

I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that: I am a citizen of the United States; I actually live at and have no present intention of leaving the above address; I will be 18 on or before the next election; I have not been judged mentally incompetent; and I am not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system. I authorize cancellation of my previous registration as written below.

Dated _____ Voter Signature

For county auditor's office use only:

Ward _____ Precinct _____ Water Dist _____ Leg Dist _____ Comm Dist _____ Township _____ School Dist _____
_____ Other _____

(perforated)

~~Previous Voter Registration Information Required~~

~~I wish to be registered as shown above. I was last registered with the following name and address which will be canceled:~~

~~Name _____~~

~~Previous Address _____~~

~~City _____ State _____ Zip _____~~

~~County _____ Birth Date: _____~~

~~Driver license number: _____~~

~~Dated _____ Voter Signature _____~~

~~If the form is printed on index stock, on the reverse of the form above the score must be the following:~~

~~_____ County Auditor~~

~~_____~~

~~_____, SD 57 _____~~

~~An alternative The voter registration form may shall be printed on an 8.5 inch wide by 11 inch tall paper in the following format and contain the following information:~~

~~**Voter Registration Application for _____ County**~~

Use this form to: Register to vote or report a name, address, or party change.

Please print. Complete entire form. Return this form to your county auditor.

~~—The deadline for registration is 15 days before any election. Your form must be received by the auditor by this deadline if you are to vote in the next election.~~

~~Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor. Any private person or entity registering voters is required to provide you with their contact information.~~

Are you a citizen of the United States of America? Yes No

Will you be 18 years of age on or before election day? Yes No

If you checked 'no' in response to either of these questions, do not complete this form.

Last	First	Middle	Circle one; Jr Sr II III IV	
Residence Address	Apt or Lot #	City/Town	State	Zip
Mailing Address (if different)		City/Town	State	Zip
If residence address is a post office box, rural box, or general delivery, you must give the location of your residence:				
Print previous name, if changed:				
South Dakota Driver License Number Required:				
(if you do not have a valid South Dakota driver license, you must give				

the last four numbers of your social security number)		
	Birth Date Required:	Phone Number:
Please register me as a member of the _____ Party.		
I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:		
* I am a citizen of the United States;		
* I actually live at and have no present intention of leaving the above address;		
* I will be 18 on or before the next election;		
* I have not been judged mentally incompetent;		
* I am not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system.		
* I authorize cancellation of my previous registration as written below.		
Dated _____/_____/_____	Voter Signature:	

For county auditor's office use only:

Ward _____ Precinct _____ Water _____ Leg _____ Comm _____ Township _____ School _____ Other _____

Previous Voter Registration Information Required

I wish to be registered as shown above. I was last registered with the following name and address which will be cancelled:

Last	First	Middle	Circle one: Jr - Sr - II III - IV
Previous Address	City/Town	State	Zip
County:	Birth Date:	Driver's license number	
Dated _____/_____/_____	Voter Signature:		

Insert new VR Form



South Dakota Voter Registration Form

_____ County

Use this form to: Register to vote or report a name, address, or party change.

Please print. Complete the entire form. Return this form to your county auditor.

The deadline for voter registration is 15 days before any election. Your form must be received by the county auditor by this deadline if you are to vote in the next election. Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor. Any private person or entity registering voters is required to provide you with their contact information. For more information, visit www.sdsos.gov.

Are you a citizen of the United States of America? Yes No
 Will you be 18 years of age on or before the next election? Yes No
 If you checked 'No' in response to either of these questions, do not complete this form.

1	Last Name	First Name	Middle Name(s)/Initial	Suffix
---	-----------	------------	------------------------	--------

2	Residence Address	Apt. or Lot #	City	State	Zip Code
---	-------------------	---------------	------	-------	----------

3	Mailing Address (if different)	City	State	Zip Code
---	--------------------------------	------	-------	----------

3a If Residence Address is a PO Box, rural box, or general delivery, you must give the location of your residence:

4	Date of Birth (Required) _____/_____/_____ Month / Day / Year	5 Telephone Number	6 South Dakota Driver License Number (Required) _____ If you do not have a SD Driver License, provide the last 4 digits of Social Security Number
---	---	--------------------	---

7	Choice of Party	8 Email Address	
---	-----------------	-----------------	--

Previous Voter Registration Information Required, if applicable:

9	Previous Last Name	First Name	Middle Name(s)	Suffix
---	--------------------	------------	----------------	--------

10	Previous Address	City	State	Zip Code
----	------------------	------	-------	----------

11	Previous Driver License Number and State	Previous County
----	--	-----------------

Would you like to be a precinct election worker on election day? Yes No

12	I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that: *I am a citizen of the United States of America; *I actually live at and have no present intention of leaving the above address; *I will be 18 on or before the next election; *I have not been judged mentally incompetent; *I am not currently serving a sentence for a felony conviction; and *I authorize cancellation of my previous registration, if applicable.	<div style="border: 1px solid black; height: 60px; width: 100%;"></div> <p>Signature Required</p> <p>Date: ____/____/____ Month / Day / Year</p>
----	---	--

~~Voter registration cards signed prior to January 1, 2009, may be on the form in effect July 17, 2008.~~

Source: 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 23 SDR 115, effective January 22, 1997; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 31 SDR 214, effective July 4, 2005; 32 SDR 225, effective July 3, 2006; 35 SDR 48, effective September 8, 2008.

General Authority: SDCL 12-1-9(1).

Law Implemented: SDCL 12-4-3, 12-4-5.4, 12-4-6, 12-4-8.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

933T0486

HOUSE BILL NO. 1247

Introduced by: Representatives Abdallah, Gosch, Hawley, Kirkeby, Novstrup (David), and Willadsen and Senators Rhoden, Cutler, and Peters

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the voting rights of
2 persons convicted of a felony or serving time in the state penitentiary.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-4-18 be amended to read as follows:

5 12-4-18. The clerk of courts shall, within fifteen days after the close of each month, prepare
6 and deliver to the auditor an abstract from the records of the names of persons declared mentally
7 incompetent in the preceding month. The notice shall be sent to the county auditor of the county
8 in which the person declared incompetent resides. The county auditor shall remove from the
9 master registration list the names of persons identified in accordance with the information
10 provided pursuant to this section and names of those sentenced to imprisonment in the federal
11 penitentiary system and may remove names published in an obituary.

12 Voter registration records maintained in or transmitted to the statewide voter registration file
13 shall be matched with the death records maintained as vital statistics records by the Department
14 of Health and the records of felony convictions maintained by the Unified Judicial System. Any
15 voter identified as deceased or who ~~receives a felony sentence to the adult state penitentiary~~



1 ~~system including a suspended execution of a sentence~~ is serving a sentence for a felony
2 conviction shall be removed from the voter registration records. The State Board of Elections
3 may promulgate rules, pursuant to chapter 1-26, determining how voter registration records shall
4 be matched.

5 ~~—This section is effective on January 1, 2004.~~

6 Section 2. That § 23A-27-35 be amended to read as follows:

7 23A-27-35. A sentence of imprisonment in the state penitentiary for any term suspends the
8 right of the person so sentenced ~~to vote~~, to hold public office, to become a candidate for public
9 office, and to serve on a jury, ~~and~~. Any such person so sentenced forfeits all public offices and
10 all private trusts, authority, or power during the term of such imprisonment. Any person who
11 is serving a term in any penitentiary shall be a competent witness in any action now pending or
12 hereafter commenced in the courts of this state, and ~~his~~ the person's deposition may be taken in
13 the same manner prescribed by statute or rule relating to taking of depositions. After a
14 suspension of sentence pursuant to § 23A-27-18, upon the termination of the time of the original
15 sentence or the time extended by order of the court, a defendant's rights withheld by this section
16 are restored. However, the voting rights of any person sentenced to imprisonment in the state
17 penitentiary shall be governed by Title 12.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

591T0171

SENATE BILL NO. 58

Introduced by: Senators Schlekeway, Bradford, Buhl, Frerichs, Gray, Haverly, Heineman, Holien, Hunhoff (Jean), Juhnke, Novstrup (Al), Olson (Russell), Peters, Rampelberg, and Rhoden and Representatives Kirkeby, Abdallah, Boomgarden, Deelstra, Fargen, Hansen (Jon), Hickey, Hoffman, Kopp, Lucas, Lust, Olson (Betty), Rausch, Sly, Tulson, Turbiville, Verchio, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections conducted
2 at voting centers and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 12-14 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding any other provision of law, any jurisdiction may conduct an election using
7 vote centers pursuant to the provisions of this section. The election shall be conducted in
8 conformance with all applicable election laws and rules with the following exceptions:

9 (1) The jurisdiction may use vote centers that allow the voters in the jurisdiction to vote
10 at any one of the vote centers in lieu of establishing precincts and wards for the
11 election;

12 (2) Any person who is registered to vote and living in the jurisdiction may be appointed
13 as a polling place superintendent or deputy to any of the vote centers;



1 (3) Secure, encrypted electronic pollbooks shall be used in lieu of paper registration
2 books;

3 (4) The secretary of state shall prescribe the form of the ballot to be used at vote centers
4 until the State Board of Elections promulgates rules pursuant to subdivision 12-1-
5 19(2);

6 (5) The entire jurisdiction is designated as one voting precinct for this election; and

7 (6) The jurisdiction shall submit a plan for approval to the secretary of state.

8 Section 2. That § 12-15-1 be amended to read as follows:

9 12-15-1. The county auditor shall, not less than twenty days before any election, appoint a
10 precinct superintendent and two precinct deputies who shall constitute the precinct election
11 board and a precinct superintendent and two precinct deputies of the counting board if the board
12 is appointed pursuant to § 12-15-14 or 12-15-14.1 for each of the voting precincts or vote
13 centers of the county. ~~Two or four additional~~ Additional precinct deputies may be appointed in
14 increments of two. The county auditor shall make the appointments from lists of names
15 submitted by the county central committee of each party. If the county auditor fails to receive
16 the list at least forty-five days prior to an election, the county auditor shall make the
17 appointments.

18 Section 3. That § 12-4-10 be amended to read as follows:

19 12-4-10. The county auditor shall provide from the master registration file, in paper or
20 electronic format, a separate list of the names and addresses of all registered voters in each
21 voting precinct as established pursuant to chapter 12-14, § 9-13-16, or 13-7-11 in the county,
22 which shall be known as the precinct registration list. The list for any voting precinct shall be
23 designed so that each name can be distinctly marked whenever the registrant presents himself
24 or herself for voting and shall contain a space in which may be recorded the record of any

1 challenge, affidavit, or other information as may be required. Each entry shall be made by the
2 precinct superintendent or precinct deputies when the voter presents himself or herself for
3 voting.

4 Section 4. That § 12-1-3 be amended to read as follows:

5 12-1-3. Terms used in this title mean:

6 (1) "Candidate," a person whose name is on the ballot or who is entitled to be on the
7 ballot to be voted upon for nomination or election at any election;

8 (2) "Election," any election held under the laws of this state;

9 (3) "Election officials," state and local officials charged with the duty of conducting
10 elections and the canvass of returns;

11 (4) "Elector," a person qualified to register as a voter, whether or not the person is
12 registered;

13 (4A) "Electronic pollbook," an electronic system containing both the registration list and
14 pollbook;

15 (5) "General election," the vote required to be taken in each voting precinct of the state
16 on the first Tuesday after the first Monday in November of each even-numbered year;

17 (6) "Party office," an office of a political party organization as distinct from a public
18 office;

19 (7) "Person in charge of an election," or "person charged with the conduct of an
20 election," the county auditor in all cases except local elections for a municipality,
21 school district, township, or other political subdivision, in which case it is the officer
22 having the position comparable to the auditor in that unit of government if not
23 specifically designated by law;

24 (8) "Petition," a form prescribed by the State Board of Elections, which contains the

1 question or candidacy being petitioned, the declaration of candidacy if required and
2 the verification of the circulator. If multiple sheets of paper are necessary to obtain
3 the required number of signatures, each sheet shall be self-contained and separately
4 verified by the circulator;

5 (9) "Petition circulator," a resident of the State of South Dakota who is at least eighteen
6 years of age who circulates nominating petitions or other petitions for the purpose of
7 placing candidates or issues on any election ballot;

8 (10) "Political party," a party whose candidate for Governor at the last preceding general
9 election at which a Governor was elected received at least two and one-half percent
10 of the total votes cast for Governor;

11 (10A) "Pollbook" or "poll list," a list containing in numerical order the names of all persons
12 voting at the election and type of ballot voted;

13 ~~(10.1)~~(10B) "Polling place," a designated place voters may go to vote;

14 (11) "Primary" or "primary election," an election held at which candidates are nominated
15 for public office;

16 (12) "Public office," an elected position in government;

17 (12A) "Registration list," a list of eligible voters;

18 (13) "Registered mail," does not include certified mail;

19 (14) "Registration officials," the county auditor and deputies and other persons authorized
20 to assist in registration pursuant to chapter 12-4;

21 (14A) "Vote center," a polling place when the precinct has been defined as the entire
22 jurisdiction and an electronic pollbook is utilized;

23 (15) "Voter," a person duly registered to vote or one who is performing the act of voting.

24 Section 5. Whereas, this Act is necessary for the support of the state government and its

- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 2 full force and effect from and after its passage and approval.



Secretary of State

Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

Board of Elections Minutes

The Board of Elections convened on November 15th, 2012, via the Dakota Digital Network with public space available in Pierre at 925 E. Sioux Avenue, the Capitol University Center in room 200M, in Rapid City at 501 E. St. Joseph Street, the South Dakota School of Mines and Technology in room 109 of the Classroom Building, and in Sioux Falls at 4801 N. Career Avenue, the University Center in room 145 of the Administration Building.

Secretary of State Gant called the meeting to order at 9:05 a.m.

Board members present: in Pierre: Secretary Jason Gant and Patty McGee; in Rapid City: Linda Lea Viken; in Clear Lake: Pam Lynde; and in Sioux Falls: Dick Casey and Chris Madsen (after 9:21 a.m.).

Others present: in Pierre: Pat Miller, Deputy Secretary of State, Sue Roust, Interim Director of Elections, Andrew Pietrus, Secretary of State's office, Julia Grenz, Brown County Auditor's office; in Rapid City: Lori Severson, Pennington County Auditor's office.

Board members absent: Matthew McCaulley.

Secretary Gant declared that a quorum was present, and noted that the vacancy on the Board of Elections due to the recent resignation of Cindy Schultz of Spink County had been filled by Patty McGee of Sully County.

Motion made by Lynde, seconded by Viken to approve the minutes of September 19th, 2012 board meeting.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, McGee, and Gant

Nays: None

Excused: Madsen & McCaulley

Motion Carried.

A rules hearing was declared open at 9:07 a.m.

Open discussion on 5:02:05:02.01 at 9:07 a.m.

Motion made by McGee, seconded by Viken to approve 5:02:05:02.01.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, McGee, and Gant

Nays: None

Excused: Madsen & McCaulley

Motion Carried.

Open discussion on 5:02:05:02 at 9:21 a.m.

Motion made by Casey, seconded by Lynde to approved 5:02:05:02.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, McGee, and Gant

Nays: None

Excused: Madsen & McCaulley

Motion Carried.

Open discussion on 5:02:03:24 at 9:22 a.m.

Motion made by Viken, seconded by Casey to approve 5:02:03:24.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Open discussion on 5:02:03:13 at 9:30 a.m.

Motion made by Viken, seconded by Lynde to amend 5:02:03:13 to strike the word ~~and~~ in paragraph 1 on page 14 and replace with the word form (four instances).

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Motion made by McGee, seconded by Viken to approve 5:02:03:13 as amended.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Open discussion on 5:02:22:01 at 9:43 a.m.

Motion made by McGee, seconded by Madsen to approve 5:02:22:01.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Open discussion on 5:02:22:02 at 9:57 a.m.

Motion made by Viken, seconded by Casey to approve 5:02:22:02.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Open discussion on 5:02:22:03 at 9:58 a.m.

Motion made by Viken, seconded by Lynde to approve 5:02:22:03.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Open discussion on 5:02:06:24 at 9:59 a.m.

Motion made by Lynde, seconded by McGee to approve 5:02:06:24.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Open discussion on 5:02:03:01 at 10:01 a.m.

Motion made by Viken, seconded by Madsen to amend 5:02:03:01 to strike everything after the first sentence beginning with "~~It is recommended...~~" on page 23 to the bottom of page 25 "~~An alternative~~ The voter registration form ~~may~~ shall be printed on 8.5 inch wide by 11 inch tall paper in the following format and contain the following information:" On the top of page 29 strike ~~Application~~ and replace with Form, strike ~~Election Day~~ on top and box 12 of the form and replace with the next election, in box 1 insert /Initial after Middle Name(s), in box 4 and 6 insert (Required) after Date of Birth and South Dakota Driver License Number, Amend "Would you like to be a ~~pollworker~~

precinct election worker on Election Day election day.” On page 30 strike “~~Voter registration cards signed prior to January 1, 2009, may be on the form in effect July, 17, 2008.~~”

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Motion made by McGee, seconded by Madsen to approve 5:02:03:01 as amended.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

The rules hearing concluded at 10:20 a.m.

General Election summary at 10:21 a.m.

Review of proposed legislation at 10:23 a.m.

Motion made by McGee, seconded by Viken to remove 12-19-2.1 from proposed legislation and to strike ~~may or~~ from 12-6-8.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, and Gant

Nays: McGee

Excused: McCaulley

Motion Carried.

Motion made by McGee, seconded by Viken to approve proposed legislation and to introduce at the request of the Board of Elections. (SDCL 12-4-36, 12-26-15, 12-5-1, & 12-6-8)

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

Motion made by Madsen, seconded by McGee to approve 12-19-2.1 as a separate board approved legislation.

Secretary Gant called for a roll call vote.

Ayes: McGee, Madsen, and Gant

Nays: Lynde, Viken, and Casey

Excused: McCaulley

Motion did not carry.

Motion made by Viken, seconded by Madsen to request the Secretary of State to research alternative language to “serving a sentence” found in 12-4-18 with the Legislative Research Council and Unified Judicial Service. The Secretary will report back to the Board with suggestions for possible legislation.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

Excused: McCaulley

Motion Carried.

The Board set a tentative date of Wednesday, December 19, 2012 at 9 a.m. CST for their next meeting.

Motion made by Madsen, seconded by Lynde to adjourn.

Secretary Gant called for a roll call vote.

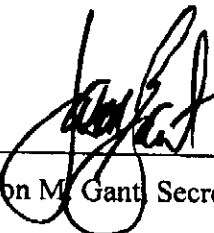
Ayes: Lynde, Viken, Casey, Madsen, McGee, and Gant

Nays: None

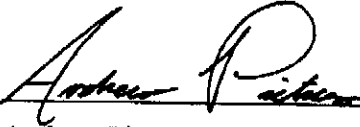
Excused: McCaulley

Motion Carried.

The Board adjourned at 11:30 a.m.



Jason M. Gant, Secretary of State



Andrew Pietrus, Recorder

5:04:06:01. File export format. The file format which a county voter registration system must produce for export to the statewide voter registration system is:

Voter Registration

Field Name	Format	Required	Field Description
Transaction Code	A1	Y	Add (A), Update (U), Delete (D), County Auditor (C), Bypass (B)
Voter ID # (created for this system - 2 digit county code followed by 7 digits)	A9	Y	
Voter Status (Active inactive)	A1	Y	Active (A), Inactive (I)
First Name	A15	Y	
Last Name	A23	Y	
Middle Name	A15		
Title	A6		Ex: Sister, Mr, Mrs, Miss, Ms, Rev, etc.
Suffix	A3		Jr, Sr, I, II, III, IV, V
Address	A40	Y	
City	A25	Y	
State	A2		
Zip	A10		If Zip+4, include hyphen.
Mailing Address	A35		
Mailing City	A20		
Mailing State	A2		
Mailing Zip	A10		If Zip+4, include hyphen.
Party	A3	Y	Democrat (DEM), Republican (REP), Independent (IND), Libertarian (LIB), Reform (REF), Other (OTH), Constitution (CON).
Precinct	A4	Y	
Senate District	A3	Y	
House District	A3	Y	1-35, 28A, 28B
Commissioner District	A2		
City/Township	A5	Y	
Ward Code	A3		
School Code	A4	Y	99-9

Special District 1	A4		
Special District 2	A4		
Special District 3	A4		
Special District 4	A4		
Special District 5	A4		
Telephone Number	A12		999-999-9999
Date of Birth	A8		YYYYMMDD
SSN or License Number	A15	Y	
Original Registration Date	A8		YYYYMMDD
Registration Change Date	A8		YYYYMMDD
Date Last Jury Service	A8		YYYYMMDD
Date County System Updated	A8		YYYYMMDD
State of Driver License Issuance	A2	Y	

Voter Election History Table

Field Name	Format	Required	Field Description
Voter ID # (created for this system – 2 digit county code followed by 7 digits)	A9	Y	
Election Date	A8	Y	YYYYMMDD
Election Type	A9		General, Primary, Municipal, School, Township, Special, and Combined

Repealed.

Source: 28 SDR 54, effective October, 22, 2001; 30 SDR 189, effective June 9, 2004.

General Authority: SDCL 12-4-39(2).

Law Implemented: SDCL 12-4-5.5, 12-4-39(2).